

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-59973

WILLIAM ALEXANDER JENKINS, JR., and
TINA LYNN JENKINS,

Chapter 7

Judge Thomas J. Tucker

Debtors.

ORDER DENYING DEBTORS' MOTION TO REOPEN CHAPTER 7 CASE

This case is before the Court on a motion filed by the Debtors entitled "Debtors' Motion to Reopen Case" (Docket # 35), seeking to reopen the case for the purpose of scheduling creditors they did not list in their schedules before the case was closed. Debtors filed a certificate of no response, indicating that no one has objected to the motion.

Upon review of the case, it appears that this was a "no-asset" Chapter 7 case. As a result, it is unnecessary to reopen this case merely to enable Debtors to amend their schedules to add creditors who were not listed previously. Because this was a no-asset case, unscheduled debts are discharged to the same extent they would be discharged if they had been scheduled. *See In re Madaj*, 149 F.3d 467 (6th Cir. 1998).

Because it appears that reopening this case for the purpose stated by Debtors' motion would serve no useful purpose, the motion must be denied. This Order is without prejudice to Debtors' right to file a timely motion for reconsideration or to file a new motion to reopen, if they believe that cause exists to reopen this case notwithstanding the Sixth Circuit's decision in *Madaj*, and explain what that cause is. Accordingly,

IT IS ORDERED that "Debtors' Motion to Reopen Case" (Docket # 35), is DENIED.

Signed on October 02, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge